

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 21-20128

v.

Honorable Nancy G. Edmunds

DERRICK LAVON HERRING,

Defendant.

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**ORDER DENYING DEFENDANT'S MOTION FOR
EARLY TERMINATION OF SUPERVISED RELEASE [3]**

Defendant Derrick Lavon Herring was found guilty of one count of conspiracy to distribute oxycodone in violation of 21 U.S.C. §§ 841(a)(1), 846 in the United States District Court for the Eastern District of Kentucky. (ECF No. 1-1.) He was sentenced to a term of imprisonment of 168 months to be followed by four years of supervised release. (*Id.*) Defendant was released from imprisonment on December 15, 2020. Jurisdiction over his supervision was transferred to this district on February 25, 2021. (ECF No. 2.) Defendant now seeks early termination of supervised release, citing his efforts at moving on with his life, becoming a productive member of society, and caring for his elderly mother. (ECF No. 3.)

"Supervised release is part of a sentence." *United States v. Krul*, 774 F.3d 371, 374 (6th Cir. 2014). Under 18 U.S.C. § 3583(e)(1), however, the Court may terminate a term of supervised release any time after the expiration of one year of supervised release if the Court "is satisfied that such action is warranted by the conduct of the defendant released and the interest of justice." Additional factors the Court considers are the sentencing factors in 18 U.S.C. § 3553(a)(1), (a)(2)(B), (a)(2)(C), (a)(2)(D), (a)(4), (a)(5),

(a)(6), and (a)(7). See § 3583(e). “[G]enerally, early termination of supervised release under § 3583(e)(1) will be proper only when the sentencing judge is satisfied that new or unforeseen circumstances warrant it.” *United States v. Melvin*, 978 F.3d 49, 53 (3d Cir. 2020) (internal quotation marks, citation, and italics omitted).

Here, Defendant committed a serious offense, and he has not identified any new or unforeseen circumstances that would warrant early termination of supervised release. Thus, the Court does not find that the relevant sentencing factors weigh in favor of the relief he seeks. Accordingly, Defendant’s motion is DENIED.

SO ORDERED.

s/Nancy G. Edmunds
Nancy G. Edmunds
United States District Judge

Dated: December 4, 2023

I hereby certify that a copy of the foregoing document was served upon counsel of record on December 4, 2023, by electronic and/or ordinary mail.

s/Lisa Bartlett
Case Manager